

REMARKS

The issues outstanding in the Final Rejection mailed February 21, 2007, are the rejections under 35 U.S.C. §102 and the Doctrine of Obviousness-type Double Patenting. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

Rejections Under 35 U.S.C §102

Claims 1-14 have been rejected under 35 U.S.C. §102 over Schmidt '993, commonly assigned with the present application. Reconsideration of this rejection is respectfully requested.

The present claims have been amended, using "consisting of" language in order to indicate that the pigments contain one metal oxide layer. The pigments of Schmidt are "multiply coated" materials, see, for example, column 1, line 6 and 54-64. The patent teaches that the pigments contain at least one layer sequence of 3 metal oxide layers, and thus, are not read upon by the present claims. It is noted that claim 13 (now canceled) also employed "consisting of" terminology, but was apparently overlooked by the examiner. It is submitted that, however, the Schmidt patent does not disclose or suggest production of pigments having a single oxide metal layer. Accordingly, withdrawal of this rejection is respectfully requested.

Double Patenting

Claims 1-14 have also been rejected under the doctrine of obviousness-type double patenting over claims 1-23 of Schmidt '993. Reconsideration of this rejection is respectfully requested.

As noted above, the patent does not disclose or suggest pigments other than ones having multiple layers of metal oxide. Accordingly, it is clear that the claims of the patent do not render the present claims obvious, and that the double-patenting rejection should be withdrawn. The same is respectfully requested.

The claims in the application are submitted to be in condition for allowance. However, if the examiner has any questions or comments, he is

cordially invited to telephone the undersigned at the number below.

No fee is believed due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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